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9 Attorneys for Defendants  
10 St. Luke's Hospital and Sutter Health

11  
12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,  
16 *ex rel.*, ROBERT EDWARDS, TA-  
17 CHIANG HSU, and SHIRLEY  
18 ORDWAY,

19 Plaintiffs,

20 v.

21 ST. LUKE'S HOSPITAL, SUTTER  
22 HEALTH, and DOES 1-100,  
23 INCLUSIVE,

24 Defendants.

CASE NO. C-03-0825 TEH

25 **STIPULATION RE DISMISSAL**  
26 **WITH PREJUDICE; ~~PROPOSED~~**  
27 **ORDER THEREON**

[Fed. R. Civ. P. 41(a)(2)]

28 Action Filed: February 25, 2003  
SAC Filed: Sept. 20, 2004  
SAC Partially Dismissed: Nov. 22, 2004  
Trial: TBD  
Judge: The Honorable Thelton E.  
Henderson

McDERMOTT WILL & EMERY LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1 Relators Robert Edwards, Shirley Ordway and Ta-Chiang Hsu (collectively,  
2 the "Relators"), defendants St. Luke's Hospital and Sutter Health (collectively, the  
3 "Defendants"), and the United States of America hereby stipulate and agree as  
4 follows:

5 WHEREAS, Relators filed the above-entitled action (the "Action") on  
6 February 25, 2003, asserting various claims on behalf of the United States of  
7 America against Defendants pursuant to the False Claims Act, 31 U.S.C. §§ 3729,  
8 *et seq.*;

9 WHEREAS, on December 1, 2003, the United States of America declined to  
10 intervene in the Action;

11 WHEREAS, Relators and Defendants exchanged initial disclosures pursuant  
12 to Federal Rule of Civil Procedure 26 on March 10, 2004;

13 WHEREAS, Defendants filed answers to Relators' Second Amended  
14 Complaint on December 13, 2004;

15 WHEREAS, Relators and Defendants engaged in extensive fact discovery in  
16 the Action;

17 WHEREAS, Relators and Relators counsel have in their possession  
18 documents and electronic records produced by the Defendants which include  
19 private information within the provisions of the article I, section 1 of the California  
20 Constitution, the Confidentiality of Medical Information Act of 1981, and federal  
21 rules and regulations promulgated under the Health Insurance Portability and  
22 Accountability Act of 1996, as amended, as well as confidential information  
23 protected from discovery by the Health Care Quality Improvement Act, 42 U.S.C.  
24 § 11137;

25 WHEREAS, based on this discovery the Relators have concluded that they  
26 could not prevail on their claims at trial;

1 WHEREAS, Relators and Defendants desire to avoid the risks and expenses  
2 of further litigation and have agreed to dismiss this action on the terms set forth  
3 below:

4 NOW THEREFORE, The Relators, the Defendants, and the United States of  
5 America hereby stipulate and agree as follows:

- 6 1. Relators, Defendants, and the United States of America agree that the  
7 Action should be dismissed in its entirety, with prejudice as to the  
8 Relators but without prejudice as to the United States of America.
- 9 2. Relators, Defendants, and the United States of America agree that each  
10 shall be responsible for his, her, or its own attorneys' fees, costs and  
11 expenses incurred in the Action or in any way related to the Action.
- 12 3. The Relators have received no proceeds from the Action, and shall  
13 receive no proceeds related to the Action at any time in the future.
- 14 4. Relators and Relators' counsel hereby agree and warrant that, within  
15 sixty (60) days following the dismissal of the Action, they will  
16 assemble and return to Defendants all originals and reproductions of  
17 all documents, and destroy or return to Defendants all electronic  
18 records, produced by Defendants in the Action, excluding documents  
19 which contain notations of Relators' counsel. Relators and Relators'  
20 counsel hereby agree and warrant that documents that contain  
21 notations of Relators' counsel will be destroyed and such destruction,  
22 as well as the destruction of all electronic records not returned to  
23 Defendants, will be confirmed by Relators' counsel to Defendants in  
24 writing within sixty (60) days following the dismissal of the Action.

25  
26 IT IS SO STIPULATED.  
27  
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FAX No. 415 348 0336  
 EDWARDS

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 PAGE 01

McDERMOTT WILL & EMERY LLP  
 Attorneys at Law  
 Los Angeles

1 Dated: October \_\_, 2007

By: Shirley Ordway

2 Dated: October \_\_, 2007

By: Ta-Chiang Hsu

3 Dated: October \_\_, 2007

By: Robert Edwards

4 Dated: October \_\_, 2007

UNITED STATES OF AMERICA

5

By: Sarah Winslow  
 Assistant United States Attorney  
 Attorneys for  
 THE UNITED STATES OF AMERICA

6 Dated: October \_\_, 2007

McDERMOTT WILL & EMERY LLP

7

By: Russell Hayman  
 Attorneys for Defendants  
 ST. LUKE'S HOSPITAL AND SUTHER  
 HEALTH

8 Dated: <sup>NOV 6</sup> October \_\_, 2007

LAW OFFICES OF WALLACE C.  
 DOOLITTLE

9

By: Wallace C. Doolittle  
 Attorneys for Relators  
 ROBERT EDWARDS, SHIRLEY  
 ORDWAY AND TA-CHIANG HSU

10 Dated: <sup>NOV 6</sup> October \_\_, 2007

LAW OFFICES OF MILLSTEIN &  
 ASSOCIATES

11

By: David J. Millstein  
 Attorneys for Relators  
 ROBERT EDWARDS, SHIRLEY  
 ORDWAY AND TA-CHIANG HSU

12 Dated: <sup>November 6</sup> October \_\_, 2007

GOLDFARB & LIPMAN LLP

13

By: James T. Diamond, Jr.  
 Attorneys for Relators  
 ROBERT EDWARDS, SHIRLEY  
 ORDWAY AND TA-CHIANG HSU

14

LAW OFFICES OF WALLACE C. DOOLITTLE


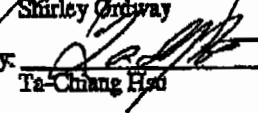
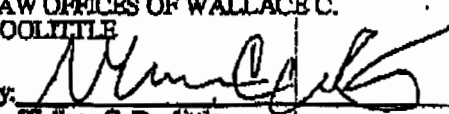
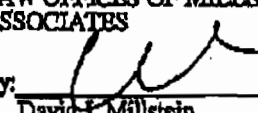

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McDERMOTT WILL & EMERY LLP  
 ATTORNEYS AT LAW  
 LOS ANGELES

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	Dated: <sup>November 7.</sup> October __, 2007 Dated: October __, 2007 Dated: October __, 2007 Dated: October __, 2007 Dated: October __, 2007 Dated: October __, 2007 Dated: October __, 2007 Dated: <sup>Nov 6</sup> October __, 2007 Dated: <sup>Nov 6</sup> October __, 2007 Dated: <sup>November 6</sup> October __, 2007	By:  Shirley Ordway By:  Ta-Chiang Hsu By: _____ Robert Edwards UNITED STATES OF AMERICA By: _____ Sarah Winslow Assistant United States Attorney Attorneys for THE UNITED STATES OF AMERICA McDERMOTT WILL & EMERY LLP By: _____ Russell Hayman Attorneys for Defendants ST. LUKE'S HOSPITAL AND SUTTER HEALTH LAW OFFICES OF WALLACE C. DOOLITTLE By:  Wallace C. Doolittle Attorneys for Relators ROBERT EDWARDS, SHIRLEY ORDWAY AND TA-CHIANG HSU LAW OFFICES OF MILLSTEIN & ASSOCIATES By:  David J. Millstein Attorneys for Relators ROBERT EDWARDS, SHIRLEY ORDWAY AND TA-CHIANG HSU GOLDFARB & LIPMAN LLP By:  James T. Diamond, Jr. Attorneys for Relators ROBERT EDWARDS, SHIRLEY ORDWAY AND TA-CHIANG HSU
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NOV-13-2007 10:10 From:US ATTORNEY

4154367169

To:MAE Los Angeles P.5/6

1 Dated: October \_\_, 2007

By: Shirley Ordway

2 Dated: October \_\_, 2007

By: Ta-Chiang Hsu

3 Dated: October \_\_, 2007

By: Robert Edwards4 Dated: ~~October~~ \_\_, 2007

UNITED STATES OF AMERICA

11/13

By: Sarah Winslow  
Sarah Winslow  
Assistant United States Attorney  
Attorneys for  
THE UNITED STATES OF AMERICA5 Dated: ~~October~~ \_\_, 2007

McDERMOTT WILL &amp; EMERY LLP

11/13

By: Russell Hayman  
Russell Hayman  
Attorneys for Defendants  
ST. LUKE'S HOSPITAL AND SUTTER  
HEALTH

6 Dated: October \_\_, 2007

LAW OFFICES OF WALLACE C.  
DOOLITTLEBy: Wallace C. Doolittle  
Wallace C. Doolittle  
Attorneys for Relators  
ROBERT EDWARDS, SHIRLEY  
ORDWAY AND TA-CHIANG HSU

7 Dated: October \_\_, 2007

LAW OFFICES OF MILLSTEIN &  
ASSOCIATESBy: David J. Millstein  
David J. Millstein  
Attorneys for Relators  
ROBERT EDWARDS, SHIRLEY  
ORDWAY AND TA-CHIANG HSU

8 Dated: October \_\_, 2007

GOLDFARB &amp; LIPMAN LLP

By: James T. Diamond, Jr.  
James T. Diamond, Jr.  
Attorneys for Relators  
ROBERT EDWARDS, SHIRLEY  
ORDWAY AND TA-CHIANG HSUMcDERMOTT WILL & EMERY LLP  
ATTORNEYS AT LAW  
LOS ANGELES



**ORDER**

Upon the foregoing Stipulation of the parties, and good cause appearing therefore,

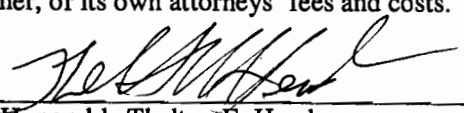
IT IS ORDERED, ADJUDGED AND DECREED:

1. That the agreement memorialized above is approved by the Court, and as agreed by the parties, the above-entitled action hereby is DISMISSED WITH PREJUDICE as to Relators Shirley Ordway, Ta-Chiang Hsu, and Robert Edwards and is DISMISSED WITHOUT PREJUDICE as to the United States of America.

2. Within sixty (60) days following this dismissal, Relators Shirley Ordway, Ta-Chiang Hsu, and Robert Edwards and their counsel shall assemble and return to Defendants all originals and reproductions of all documents, and destroy or return to Defendants all electronic records, produced by Defendants in this action, excluding documents which contain notations of Relators' counsel. Documents that contain notations of Relators' counsel shall be destroyed and such destruction, as well as the destruction of all electronic records not returned to Defendants, shall be confirmed by Relators' counsel to Defendants in writing within sixty (60) days following this dismissal. This Court will retain jurisdiction over this action for the sole purpose of ensuring that this return and destruction of documents and electronic records is completed.

3. Each party shall be responsible for his, her, or its own attorneys' fees and costs.

Dated: October 14, 2007

  
The Honorable Thelton E. Henderson  
United States District Judge